



## **Gambia, The**

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The Gambia is ruled by President Yahya A.J.J. Jammeh, the former chairman of the Armed Forces Provisional Ruling Council (AFPRC) that seized power in a military coup in 1994, deposing a democratically elected government. On October 18, Jammeh was reelected president for 5 years in an election the results of which the opposition initially accepted and observers considered generally free and fair, despite some shortcomings. Jammeh won a simple majority of 53 percent of the total votes cast. Two of the 13 members of the existing Cabinet are retired army officers who were President Jammeh's political allies during or immediately following the coup. The Government in part relies on the security forces to implement its policies. In 1997 the Constitution of the Second Republic came into effect, restoring formal constitutional government, and citizens chose a National Assembly in elections, the results of which generally were accepted by the opposition. Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), won 33 of the 45 assembly seats filled by election. The Constitution provides for an independent judiciary; although the courts have demonstrated their independence on occasion, the judiciary, especially at lower levels, reportedly is subject to executive branch pressure.

The Gambian National Army (GNA) reports to the Secretary of State for Defense, a position that is held by the President. The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA) reports directly to the President but otherwise is autonomous. The NIA is charged with protecting state security by conducting intelligence and covert investigations. These forces generally are responsive to the Government; however, they occasionally act without direct orders. Members of the security forces committed serious human rights abuses.

The rapidly growing population of approximately 1.4 million is divided between a rural majority and a growing urban minority. Much of the population is engaged in subsistence farming. The country's farmers, a majority of whom are women, grow rice, millet, corn, and groundnuts (peanuts), the country's primary export crop. Tourism, trading, and fisheries are the leading private sector industries. The high population growth rate has diluted the positive effects of modest economic expansion. Per capita gross domestic product is estimated to be \$330 (5,610 dalasi).

The Government's human rights record was poor, and although there were improvements in several areas, serious problems remained. Citizens exercised their right to change their government in the October presidential election, which most observers considered relatively free and fair. Security forces committed several extrajudicial killings and beat, harassed, or otherwise mistreated journalists, detainees, and prisoners. There also were reports that security forces beat military and security detainees. There were no reports that security prisoners were threatened with summary execution. Government harassment of the opposition continued. The Government established a commission to examine the findings of a coroner's inquest into killings of 14 persons by security forces in April 2000; however, the Government rejected the commission's findings and decided that no one would be prosecuted. During the year, the National Assembly passed and the President signed a law that allows the President to "for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." In previous years, conditions at Mile 2, Janjanbureh, and Jeshwang prisons were believed to be very poor, based on anecdotal evidence; however, during the year, the International Committee for the Red Cross (ICRC) visited the Mile 2 and Jeshwang prisons and found that the conditions were good. Detainees, unlike long-term prisoners, continued to complain that they were tortured. Security forces arbitrarily arrested and detained citizens, particularly opposition politicians, human rights activists, and journalists. Some of the detainees alleged harsh treatment while being arrested and detained, and there were reports of incommunicado detention. The courts reportedly are subject to executive branch pressure, particularly at lower

levels, although magistrates occasionally demonstrated some independence by ruling against the Government. There was one known political prisoner. The Government at times infringed on citizens' privacy rights.

The Government significantly limited freedom of speech and of the press, and security forces arrested and detained persons who publicly criticized the Government or who expressed views in disagreement with the Government. Journalists practice self-censorship. The Government at times restricted freedom of assembly and association; however, there were no reports that the Government denied opposition parties permits to hold rallies during the year. In July the Government repealed Decree 89, which had banned three major opposition political parties and all former presidents, vice presidents, and ministers from political activity until 2024. Following the repeal, the parties resumed their activities. The Constitution provides for freedom of movement but allows for "reasonable restrictions," which the Government at times enforced. Violence and discrimination against women persisted. The practice of female genital mutilation (FGM) is widespread and entrenched. Child labor was a problem, and there were some instances of child prostitution.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

On occasion security forces committed extrajudicial killings.

On January 16, soldiers shot and killed a soldier in plain clothes who they mistook for a drug trafficker in Omorto, a small border village in the Western Division. On January 19, soldiers shot and killed Faburama Manneh and seriously injured Musa Sallah, while trying to apprehend them in Omorto. The victims were traveling from neighboring Casamance, Senegal, into the country on a motor bike, allegedly carrying cannabis. Following these incidents, the army announced that none of the soldiers would be arrested or found liable for taking part in the shootings.

On October 16, security forces shot and killed United Democratic Party (UDP) supporter Ousman Ceesay after a clash erupted in Talingding between the supporters of the ruling APRC and the opposition UDP on the last day of official campaigning for the presidential elections (see Section 3). According to eyewitnesses, security forces deployed in the area to disperse the crowd shot Ceesay at point blank range, killing him instantly. Following the shooting, angry UDP supporters stormed the nearby APRC National Assembly Member's house and set it on fire in protest. The incident preceding Ceesay's death was not investigated, and no one was arrested by year's end.

Security forces shot and killed several persons at checkpoints during the year (see Section 2.d.). For example, on January 10, soldiers killed Bakary Ceesay at Omorto when they shot at his vehicle, which allegedly contained locally grown cannabis, after Ceesay reportedly refused to stop his vehicle at the checkpoint. On October 30, soldiers shot and killed Hussein Wasni, a Lebanese visitor, at a checkpoint on the Kombo Coastal Road for failing to stop his vehicle. No action was taken against the soldiers by year's end.

The Government established a commission to examine the findings of a coroner's inquest into the killings of 14 persons by security forces in April 2000; however, the Government rejected the commission's findings and decided that no one would be prosecuted (see Section 1.c.).

In March 2000, Ebrima Barry, a student, died after fire department personnel took him into custody and beat him (see Section 1.c.). In March seven firefighters were acquitted in the killing on the grounds that the charges against them were not proved beyond a reasonable doubt.

No action was taken, nor is any likely, against the members of the security forces responsible for killing at least 14 persons while forcibly dispersing a demonstration in April 2000 (see Section 1.c.) or in the January 2000 killing of two military personnel.

There were no developments in the 1999 killings allegedly committed by three members of the Movement of Democratic Forces for the Casamance.

#### b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids such practices; however, security forces sometimes beat or otherwise mistreated detainees and prisoners. There also were reports that security forces beat military and security detainees. Several opposition supporters claimed that they were tortured while in detention (see Section 1.d.). Unlike in previous years, there were no reports that security forces threatened prisoners with summary execution.

Police officers harassed and beat journalists during the year (see Section 2.a.).

Security forces shot and injured several persons during the year (see Section 1.a.). For example, on January 29, security forces shot and injured three men allegedly in possession of cannabis in Latrikunda.

On February 16, John Senesie, a Sierra Leonean teacher, reported that soldiers brutalized and injured him at the West Field Junction, when his bicycle nearly collided with a military truck. After presenting his ID card to the soldiers, they accused him of being a rebel who willfully intended to hit the truck. Senesie claimed that he was punched severely on his sides, kicked, and beaten with rifle butts by the soldiers. No action was taken against the soldiers by year's end.

On April 14, a police officer named Bojang beat a 17-year-old Sukuta Secondary School student, Brian Secka, following a fight at a football field in Sukuta, near Bojang's compound. Youths in Bojang's neighborhood had organized a football match, during which a fight broke out and the youths began throwing stones at each other. When Secka went to collect his younger brother from the field, Bojang came out of his compound and accused Secka of throwing stones in his compound. Bojang took Secka to the Serrakunda Police Station where he was detained for several hours and allegedly severely beaten. No action was taken against the officer by year's end.

On June 12, in Basse Upper River Division (URD), paramilitary officers arrested, detained for several hours, and severely beat Pa Moo Sallah, Ousman Sowe, and Sang Gaswell, three athletes from Kanifing, after a volleyball match during which the students were accused of inciting trouble. The athletes were participating in the National Youth Conference. It was reported that some celebrating Kanifing fans taunted a female paramilitary officer as she beat a woman in their midst. The encounter led to a fight, and the officer's helmet and stick disappeared. Other paramilitary officers arrived at the scene in riot gear and started beating and chasing members of the crowd. Credible eyewitnesses saw more than seven youths injured. Those who sustained injuries were evacuated to the Basse Health Center.

Armed soldiers at times harassed and detained citizens and foreigners at gunpoint, particularly at the Denton Bridge checkpoint outside of Banjul (see Section 2.d.).

On October 12, while addressing a political rally in Brikama, President Jammeh threatened that opposition members seen with dangerous weapons would be shot. The threat came after skirmishes between UDP supporters and APRC supporters that resulted in injuries and property damage.

On April 10, 2000, Gambia Student Union (Gamsu) members attempted to hold a peaceful demonstration to protest the alleged mishandling of the investigation into the death of a student while in the custody of fire officers (see Section 1.a.), and the alleged rape of a 13-year-old schoolgirl by an unidentified man in uniform. When police attempted to stop the demonstration, the student demonstrators burned tires and threw stones. In response security forces shot at the demonstrators, killing 14 students and injuring many others, and arrested hundreds of other students (see Section 1.d.). In January a government commission established to look into the findings of the coroner's inquest submitted its report. The report recommended that the Minister of Interior, Ousman Badjie, and three top police officers should accept responsibility for the incident on April 10-11, 2000; that some police intervention unit personnel deployed where the shooting and killings happened should assume responsibility for the deaths and injuries; and that seven student leaders of Gamsu should be prosecuted.

On January 26, following the submission of the government commission's report, the Government announced that it disagreed with the recommendations of the commission and, in the spirit of reconciliation, nobody would be prosecuted. Human rights activists and a coalition of lawyers severely criticized the Government for its position, arguing that the Government, in effect, was supporting impunity. The coalition urged the Government to reconsider its position on the report and to take concrete steps to bring those responsible for the deaths and injuries to justice. On April 18, after a heated debate, the National Assembly approved a very controversial Indemnity Bill, which was backdated to January 2000. The opposition and five ruling APRC National Assembly members voted against the bill, arguing that it was unconstitutional. The coalition of lawyers and some National Assembly members said that the bill, which was passed to amend the Indemnity Act of 1982, would

deny persons their right of access to justice. The bill read: "The President may, for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." In May the President signed the bill, despite a general outcry and petitions from human rights organizations. The legislation prevents those affected, including parents of children killed on April 10-11, 2000, from seeking redress in any court in the country.

There reportedly was no action taken against the responsible members of the security forces, police, or government officials who tortured, beat, raped, or otherwise abused persons in the following cases: The May 2000 beating of a journalist from the Democratic Republic of the Congo; the January 2000 mistreatment of Ousman Ceasey; and the 1999 case of an alleged severe beating and torture of an opposition politician who was arrested and detained for 2 days.

There were at least nine complaints of violent incidents between September 26 and the presidential election on October 18 (see Section 3). For example, on October 3, APRC supporters and opposition alliance supporters clashed in Farafeni in the central part of the country, injuring several persons and destroying several shops. There were reports that civilian members of the APRC assaulted opposition supporters and attacked their houses after the presidential election results were announced.

Unlike in the previous year, there were no reports of the allegedly disbanded progovernment July 22 youth movement attacking UDP members at political rallies.

In previous years, conditions at Mile 2, Janjanbureh, and Jeshwang prisons were believed to be very poor, based on anecdotal evidence. However, during the year, the ICRC visited Mile 2 and Jeshwang prison and found that the conditions were good. Prisoners received three meals a day, each prison had an infirmary, and outside doctors were brought in to provide additional medical care when required. However, the ICRC also noted that the psychological conditions of the prisons were "hard;" for example, maximum security prisoners were confined to small, individual cells for 21 hours a day and were allowed few family visits. There were credible reports of beatings and malnourishment of detainees; however, there were no reports of harsh treatment of long-term prisoners. Local jails continued to experience overcrowding. Inmates, including detainees awaiting charges and those who were charged and awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Police are reluctant to terminate fistfights between prisoners until the dispute is settled, and many of the prisoners are injured. Women and juveniles are housed separately. Pretrial detainees are held in separate sections at Mile 2 and Jeshwang prisons. There is no special section or facility for political prisoners; there is only one known political prisoner.

Local nongovernmental organizations (NGO's) generally are permitted to visit prisons upon request. A member of the African Commission on Human and Peoples' Rights and the U.N. Special Rapporteur on Prisons and Conditions of Detention in Africa visited the three prisons during the year. The ICRC visited prisons several times during the year; however, they only had access to Mile 2 and Jeshwang, and did not have access to short-term detainees at police stations and the NIA.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution includes provisions to protect against arbitrary arrest and detention; however, police and security forces arbitrarily arrested and detained citizens. Periods of detention ranged from a few hours to several weeks. Several claimed that they were tortured while in detention (see Section 1.c.). There were reports that some detainees were held incommunicado.

The Government has not revoked formally military decrees enacted prior to the 1997 Constitution that give the NIA and the Secretary of State for the Interior broad power to detain individuals indefinitely without charge if "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appear to be inconsistent with the Constitution, but they have not been subject to judicial challenge. The Government has stated that it no longer enforced these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours. Detainees often were released after 72 hours and instructed to report to the police station or NIA headquarters periodically until their case goes to trial. During the year, many local police stations and the NIA changed their procedures and practices to satisfy the constitutional requirement that any detainee be released or charged within 72 hours. The law requires that authorities obtain a warrant before arresting a person; however, persons often are arrested without them. Detainees are not always allowed prompt access to family members or a lawyer. There is a functioning bail system.

Police arrested and detained opposition party supporters, many of whom claimed that they were tortured while

in detention; the Government has denied these claims. For example, on March 31, police arrested seven UDP supporters from Badibu Saliken, North Bank Division (NDB), and detained them at the Farafine Police Station for 3 days following a by-election victory of the UDP candidate in the Badibu constituency. UDP supporters were celebrating in the compound of the elected UDP candidate when APRC supporters asked them to stop. Fighting ensued, and, according to APRC supporters, UDP supporters beat one APRC member. Police charged the seven UDP supporters with assault and criminal trespassing and released them on bail of \$58 (1,000 dalasi) each; the APRC supporters were not arrested. The UDP candidate said the arrests and detention of his supporters were motivated politically and baseless, as some of those accused were not present during the incident. The supporters never were charged; they were released on bail and instructed to report to the police regularly.

On April 24, UDP activist Kassa Jatta was arrested in Bakau and detained at the NIA headquarters in Banjul for 10 days. He was accused of criticizing President Jammeh's foreign policy in an article he wrote in a local newspaper. The NIA released Jatta on bail of \$18,000 (300,000 dalasi). Jatta claimed that NIA officers tortured him and held him incommunicado. On August 29, police arrested and detained Jatta for the second time at the Police Crime Unit in Banjul for allegedly trying to disrupt a planned APRC rally in Bakau. Jatta was detained for 1 day and released without charge; Jatta accused the police of illegal detention.

On May 5, police in Bantanto village, Central River Division (CRD), arrested 10 UDP supporters for allegedly playing a UDP political rally videocassette on the Bantanto Community Television. Militants of the ruling APRC reported them to the police in Bansang (CRD). After 4 hours of interrogation, eight UDP supporters were released without charge, and two were charged with breach of peace. The trial of the two supporters who were charged was ongoing at year's end.

On September 14, Musa Fatty, a UDP militant of Kerewan Samba Sire village in CRD, was arrested and detained at the Brikama-Ba Police Station for 7 hours and released without charge. Fatty was arrested for hoisting UDP flags along the highway while the presidential convoy was approaching the village, and he reported that the police slapped him while in detention and that he was kept without food and water.

On October 6, police arrested Omar Jallow, a UDP supporter, in his home in Fajara following an alleged assault on an APRC supporter, Salsa Faal of Ebo town, on October 2. Jallow's opponents reported to the police that he had instigated UDP supporters to beat Salsa Faal. Police detained him at the Fajara police station for 7 hours without charge; and Jallow reported to the police station for 3 consecutive days. His case was raised twice in the Kanifing Magistrates court, and the trial was pending at year's end.

Approximately 2 days after the October presidential election, police arrested more than 80 UDP supporters and detained them at various police stations throughout the country. After nearly 2 weeks, all but 33 detainees had been released without charge, and the rest were released by year's end. Charges levied on other UDP supporters included assault causing injuries, public disorder, and willful damage to properties of ruling APRC supporters allegedly resulting from clashes between supporters of the two parties during the presidential campaign. The UDP filed a suit in the High Court to challenge the legality of the continued detention of its supporters. On October 31, the case was heard and adjourned, and on November 9, most of the remaining UDP supporters were released on bail. UDP attorneys protested that the bail arrangement was unconstitutional because many of the detainees never had been charged with any crime. No trial was held. Those arrested included Dr. Momodou Lamin Manneh, an opposition supporter, Citizen FM Radio director George Christensen, and Muhammed Lamin Sillah from Amnesty International (see Sections 2.a. and 4); the NIA released all without charge except for Sillah. Sillah was held incommunicado and released after he was charged with inciting genocide and confusion and attempting to overthrow the Government; he was not tried.

Security forces detained persons who expressed views in disagreement with the Government (see Sections 2.a. and 2.c.). For example, on April 10, Alahie Nybally, former vice president of Gamsu, was arrested and detained incommunicado for 2 days without charge at NIA headquarters, after delivering a speech at the Gambia Technical Training Institute in Kanifing commemorating the April 2000 student demonstration (see Sections 1.a. and 1.c.). Nybally criticized President Jammeh's response to the April 10-11 incidents. He claimed that he was tortured and beaten by NIA officers.

Security forces arrested persons for allegedly plotting to overthrow the Government. For example, in August the NIA arrested and detained former police commander Kulu Gibba and Jim Jallow, a marabout (a local religious leader who usually blends Muslim, animist, and other traditional practices), in connection with rumors of a coup plot to overthrow President Jammeh; they were released on bail after 3 days without charge and not tried.

Lieutenant Sanneh was arrested and detained in January 2000 for plotting to overthrow the government, together with Alimamo Manneh and Corporal Momodou Dumbly, both of whom were killed by security forces,

and 10 other soldiers who were freed in September 2000. Sanneh spent 10 months in remand at the Mile 2 central prison following a protracted legal battle that started in May 2000 at the High Court, and in August was sentenced by court martial to 16 years of hard labor (see Section 1.e.). At year's end, at least one other soldier, the alleged coup leader, still was detained without charge.

Security forces detained journalists and religious leaders during the year; some were subject to abuse (see Sections 2.a. and 2.c.).

There were no developments in the following 2000 cases: The November trial of UDP leader Ousainou Darboe and four of his associates; and the detention of Ebrima Yabo, Ebrima Barrow, Momodou Marenah, Dumo Saho, Lalo Jaiteh, and Omar Darboe on suspicion of attempting to violate state security.

The slow pace of the justice system resulted in some remand prisoners waiting long periods in pretrial detention (see Section 1.e.). Approximately 40 of Mile 2's 230 inmates were in detention without a trial. There were no remand prisoners at Jeshwang Prison, which housed 70 detainees. Most of the detainees have been in the remand wings of the Mile 2 and Janjanbureh prisons for more than 4 years without trial.

The Government did not use forced exile; however, former President Jawara remained outside the country previously under threat of arrest and detention on corruption charges if he returned. However, on December 21, President Jammeh offered "unconditional amnesty" and "full protection" to former President Jawara and invited him to return to the country; he had not returned by year's end. Other senior officials of the former government, including Vice President Saihou Sabally and Secretary General Abdou Sara Janha, also remained outside the country for fear of harassment or detention but do not face official charges. Threats were used to prevent these politicians from returning home to participate in the presidential election, despite the repeal of Decree 89 and enforcement of the orders of the commissions of inquiries on the assets of the affected politicians (see Section 3).

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary reportedly at times is subject to executive branch pressure, especially at the lower levels. Nevertheless the courts have demonstrated independence on several occasions, at times in significant cases. For example, following the April 2000 riots, the Supreme Court ruled that the continued detention of Gamsu leaders was illegal. Also the Supreme Court required that chieftaincy elections be held in the Saami district in November 2000, ruling that a presidentially appointed chief was installed unconstitutionally following the President's dismissal of the previous chief.

The judicial system comprises the Supreme Court, the Court of Appeal, high courts, and eight magistrates courts. Village chiefs preside over local courts at the village level.

The judicial system recognizes customary, Shari'a, and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and all other traditional and social relations. Shari'a law is observed primarily in Muslim marriage and divorce matters; and it favors men in its provisions. Christian and civil marriage and divorce matters are settled by the appropriate church and the Office of the Attorney General. General law, following the English model, applies to felonies and misdemeanors in urban areas, and to the formal business sector. Trials are public, and defendants have the right to an attorney at their own expense.

In December 2000, the President dismissed Bishop Telewa Johnson, Chairman of the Independent Electoral Commission (IEC), and Saga Fatty, commission member, and replaced them with Gabriel Roberts and James Abraham. Roberts, who was Johnson's predecessor, had been accused of misconduct in the 1996 presidential election, which the international community did not recognize as free and fair. The IEC chairman and member's dismissals were linked to the IEC's decision in December 2000 to seek a judgment on the local government elections from the Supreme Court. The IEC went to the Supreme Court seeking a declaration to conduct local government elections in the absence of the long-awaited local government act. The court ruled in the IEC's favor the day that the IEC chairman and member were fired. The dismissal of Johnson and Fatty was followed by a massive public outcry that the President had acted unconstitutionally. The Constitution requires the recommendation of a panel of three judges before the removal of the IEC chairman or members. In December 2000, the UDP and the NRP filed a legal suit against the Attorney General in which they challenged the removal of the IEC chairman as a violation of section 42 of the Constitution. On July 13, the Supreme Court scheduled the judgment for October, after the presidential elections; this was seen as undue delay of adjudication. On November 28, the Supreme Court dismissed the case.

In January 2000, Lieutenant Sanneh was arrested and detained for plotting to overthrow the Government.

Sanneh spent 10 months in remand at the Mile 2 central prison following a protracted legal battle that started in May 2000 at the High Court. Sanneh was found guilty, among other charges, of conspiring with other persons to commit mutiny with violence. At the commencement of the hearings, Sanneh chose trial by a three-man jury, but the state later dropped the charges against him. The state then filed new charges against him to face a court martial, which sentenced him to 16 years imprisonment with hard labor on August 30 (see Section 1.d.).

The trial of three men accused of complicity in a 1997 coup attempt concluded in 1998 with the conviction of all three for treason. They were sentenced to death, but their appeals remained pending at year's end.

In 1997 the Court of Appeal, the country's highest court at the time, overturned the treason convictions and death sentences of four men accused of leading an abortive coup in 1996. The Government first appealed this decision to the Privy Council in London, but then appealed it to the Supreme Court once that institution was established. The case remained before the Supreme Court at year's end.

Persons have been held for extended periods without trial (see Section 1.d.). Many cases are not heard for months or years because the court system is overburdened and lacks the capacity to handle the high volume of cases. In an effort to alleviate the overburdened system, the Government has solicited judges and magistrates from other Commonwealth countries, who share a similar legal system.

On February 18, President Jammeh released 26 prisoners in honor of Independence Day; no military personnel were released.

There is one known political prisoner, a former AFPRC vice chairman, Lieutenant Sana Sabally, who is serving 9 years at Mile 2 prison in Banjul for conspiring to assassinate the President in 1995. International and domestic human rights organizations were not permitted access to him.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such abuses; however, although the Government generally respects these prohibitions, in practice there were some exceptions. The Government has not repealed Decree 45, which abrogates constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree formally remains in effect, pending a judicial finding that the decree is inconsistent with the Constitution. In practice the Government appeared not to enforce it, but no court case has been brought to test the decree's constitutionality.

On February 28, Salieu Mbowe, a freelance journalist, reported that police officers forcibly entered his residence at Latrikunda and woke him at 2 o'clock in the morning. Mbowe said that the police officers were armed with tear gas and that they claimed they were monitoring his activities and had to search his home. The police questioned him for many hours but did not seize anything from him.

Observers assume that the Government monitors citizens possibly engaged in activities that it deems objectionable. In the past, surveillance included monitoring of telephones and mail. In previous years, investigating commissions issued findings resulting in the forfeiture of private property, principally property held by former government and parastatal officials. The work of these commissions, which began under the Armed Forces Provisional Ruling Council (AFPRC) regime, is sanctioned under the Constitution with provisions for due process; however, it is not clear that full due process was accorded to officials investigated by the commissions before the Constitution took effect. The evidentiary standards applied by the commissions in ordering the forfeiture of money and property are not clear, and orders by the commissions have not been subject to effective judicial review. The commissions are created on an ad hoc basis when they are deemed to be necessary.

The Government restricted the right to transfer funds and confiscated the assets of most senior officials of the former Jawara government.

In April 2000, the Tambakoto village head illegally seized the land of five UDP activists; the lands had not been returned by year's end.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, however, in practice the Government significantly limited the full exercise of these freedoms by using intimidation, police pressure, regulatory scrutiny, and laws that inhibit the media. The Government also employed arrest, detention, dismissal, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive (see Section 1.d.). As a result, journalists practice a significant degree of self-censorship.

Security forces arrested and detained persons who publicly criticized the Government or who expressed views in disagreement with the Government (see Sections 1.d. and 2.c.). On April 10, Alahie Nbyally, former vice president of the Gamsu, was arrested and detained following a speech criticizing the manner in which President Jammeh handled the student crisis in April 2000 (see Section 1.d.). On July 6, the NIA arrested Imam Baba Leigh of the Kanifing mosque for allegedly criticizing the Government. Imam Leigh reported that NIA officers informed him that his arrest was connected to a June 5th BBC Focus on Africa program, on which he criticized the Government for spending \$179,000 (3 million dalasi) on the June National Youth Conference (see Section 5).

On October 22, the NIA arrested Muhammed Lamin Sillah, the coordinator of the Coalition of Human Rights Defenders and Secretary General of the domestic chapter of Amnesty International, following his interview with the BBC's Focus on Africa program on October 21. Sillah told the BBC that the country's human rights situation was unsatisfactory and needed improvement. After 4 days of incommunicado detention, he was released with charge on bail of \$18,000 (300,000 dalasi) after his case was brought to the High Court for a habeas corpus hearing. The NIA accused Sillah of inciting genocide and confusion and attempting to overthrow the Government; Sillah described the allegations as false.

Decrees 70 and 71 continued to inhibit free reporting. The decrees require all newspapers to post a \$6,500 (100,000 dalasi) bond or cease publication. The bond is required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. State-owned publications were not subject to these decrees. The possession and distribution of documents deemed to be "political literature" is not barred by decree, and the ruling APRC and opposition parties distributed leaflets and papers that could be considered "political literature" during the year. Unlike in previous years, these decrees and the fear of reprisals and government action did not have a chilling effect on the press. Although still independent, the nongovernment press practices a degree of self-censorship. Despite government harassment, strong criticism of the Government was frequent, and opposition views appeared in the independent press. English, French, and other foreign newspapers and magazines were available. The Government publishes a daily newspaper, the Gambia Daily. The Daily Observer, though independent, favored the Government in its coverage. There were other independent and privately owned newspapers, including the Point, the Independent, and Foroyaa, which was published by PDOIS, and The Gambia News and Report Weekly Magazine.

On June 15, eight staff journalists, including the editor-in-chief of the only private daily newspaper, The Daily Observer, resigned. The resignations followed management's "decree" banning stories connected with UDP's controversial propaganda secretary Lamin Waa Juwara, known as a strong critic of President Jammeh. The editorial staff criticized what they saw as undue interference in the editorial independence of the newspaper by some ruling APRC militants through the company's managing director, who also is the APRC's youth mobilizer. The journalists claimed that the newspaper was being used as a political organ of the APRC, and they maintained that they wanted to disassociate themselves from what they saw as a propaganda outfit to promote the political interest of one group at the expense of others. The Daily Observer management announced that it never had issued a decree to stop stories about Lamin Waa Juwara.

Journalists were harassed by security forces and police. For example, on February 28, Salieu Mbowe, a freelance journalist, reported that police officers harassed him by forcefully entering his residence at Latrikunda and waking him at 2 o'clock in the morning. Mbowe said that the police officers were armed with tear gas and that they claimed they were monitoring his activities and had to search his home. The police questioned him for many hours but did not seize anything from him (see Section 1.f.).

On May 27, Bundung police detained and beat Alieu Badara Mansaray from Sierra Leone, who was a reporter for the Daily Observer, for reportedly witnessing a bribery incident involving a police officer and a woman. Mansaray reported that three policemen bruised his body, tore his trousers, and smashed his watch, necklace, and mobile telephone. He was released after several hours without charge. On September 11, one of the police officers who assaulted Mansaray was dismissed; however, no action was taken against the other two police officers.

The Government detained persons who published articles that it considered inaccurate or sensitive. For example, on April 24, the authorities arrested UDP activist Kassa Jatta for publishing an article critical of the President's foreign policy (see Section 1.d.).



Radio broadcasts from the government station and private stations normally reach listeners in the eastern part of the country. Private radio stations simulcast news provided by Radio Gambia, the government station. Only one private radio station produced independent news broadcasts during the year. Occasionally there were public affairs broadcasts on at least two independent radio stations. Local stations sometimes rebroadcast the British Broadcasting Corporation, Radio France Internationale, and other foreign news reports, and all were available via shortwave radio. Senegalese television and radio are available in many parts of the country. Wealthy residents also used television satellite systems to receive independent news coverage.

During most of the year, government television and radio gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly. However, during the presidential campaign, opposition candidates had frequent and fair access to state-owned radio and television. In most other respects, the state media served as propaganda instruments for the Government and its supporters.

On January 5, Peter Gomez, a principal producer at state-owned Radio Gambia, was dismissed when he refused to publish a clarification by the Government's Director of Press, following a report by Gomez concerning President Jammeh's statement about the institution of Shari'a law in the country during a meeting with Muslim elders at State House on a Muslim feast day. In a meeting with religious leaders and the media, President Jammeh stated that he would introduce Shari'a law for all matters, not only marriage and divorce. After the meeting, his office said that the comment was taken out of context, and that the President did not mean to change the Government's policy on Shari'a law. The Director of Press sent a clarification to Radio Gambia, accusing the journalist of "reporting the President's statement out of context." Gomez refused to publish the clarification, reportedly feeling that doing so would harm his professional credibility. The Press Institute and the Gambia Press Union (GPU) severely criticized Gomez's dismissal. The GPU believed it was unfair to use the Radio Gambia staff as scapegoats and to victimize Gomez, when there was no doubt that President Jammeh had made a declaration about introducing Shari'a law.

On June 11, the NIA arrested three journalists, Momodou Thomas, Bakary Manneh, and Namory Trawl, who were covering the 5th National Youth Conference and Festival in Basse, URD (see Section 5). After hours of interrogation, Manned and Trawl were released without charge. Thomas was taken to an unknown destination where he was held incommunicado for approximately 8 hours and then released. Thomas claimed that he was questioned about a story he had reported on Radio 1 FM about the problems at the youth conference in Basse, specifically shortages of food and accommodations.

On October 18, police officers asked Citizen FM radio to stop broadcasting election results that it received from informal exit polls until they had been announced officially by the IEC.

Security forces arrested journalists on the pretext of financial matters regarding their stations. On October 23, George Christensen, owner of the private radio station, Radio 1 FM, was arrested and taken to the NIA offices in Banjul. He was interrogated for several hours about the radio station's financial situation and then released without charge. On October 29, the NIA arrested and detained Baboucarr Gaye, the proprietor of Citizen FM radio station, in Banjul for 8 hours. Gaye was arrested for allegedly owing tax arrears of approximately \$5,470 (93,000 dalasi). The NIA ordered the closure of Citizen FM radio station on the same day. Most ruling party officials dislike civic education programs run by Citizen FM and on several occasions have referred to the radio station as an opposition station. The GPU, Reporters sans Frontieres (RSF), and the International Press Institute (IPI) criticized the arrests of Christensen and Gaye. According to the law, Gaye must pay half of his alleged debt before he may be allowed to protest his case before any court. By year's end, Gaye had paid the entire amount; however, he had not been allowed to appear in the court or re-open the radio station.

In July President Jammeh threatened to discharge the staff of the state-owned Gambia Radio, because he suspected them of being sympathetic to the opposition. Jammeh made the threat during a meeting with members of the APRC youth wing on the anniversary of the July 22 coup that brought him to power. He claimed that members of the Radio Gambia staff misrepresented his speeches in their news bulletins, and he warned that anybody "bent on disturbing the peace and stability of the nation will be buried 6 feet deep". Private journalists and the general public severely criticized Jammeh's threat and accused him of intimidating journalists of the television and public radio.

There was convenient, inexpensive Internet access through Internet cafes and private accounts. The Government did not restrict Internet access or operation.

There were no reports of any government restrictions on academic freedom. There is one national college, a new university, and several smaller, private, postsecondary educational institutions.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings. However, unlike in the previous year, there were no reports that the Government denied permits to opposition parties to hold rallies. In May the President signed a bill that allows him to indemnify, or grant amnesty to, any person he determines for any action done during an unlawful assembly or other disturbance (see Section 1.c.).

There were instances in which security forces disrupted demonstrations or meetings. For example, on March 31, UDP militants were celebrating an electoral victory in the compound of their candidate in Badibu Salekeni when police interrupted them and arrested and detained seven supporters (see Section 1.d.).

On October 15, APRC supporters clashed with supporters of the opposition coalition in Serrekunda. Police intervened and allegedly fired shots to control the crowd. There were no reports of injuries.

No action was taken, nor is any likely, against the members of the security forces who forcibly dispersed a demonstration in April 2000 during which at least 14 persons were killed and numerous persons were injured (see Section 1.c.).

In October unknown persons prevented the People's Democratic Organization for Independence and Socialism (PDOIS) party campaign team from holding meetings in Sangajor and Kanilai villages in the Foni. Police failed to provide for the security of PDOIS members in the area, and the meetings were postponed.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. The AFPRC's Decree 81 of 1996 requires NGO's to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate, including that of international NGO's (see Section 4). However, the Government did not take action against any NGO's during the year.

Until it was repealed on July 22, Decree 89 banned three major opposition political parties, and all former presidents, vice presidents, and ministers from political activity until 2024. The decree's penalty of life imprisonment for an individual or a \$65,000 (1 million dalasi) fine for an organization considerably restricted political activity (see Section 3). Following the repeal of Decree 89 in July, three previously banned political parties resumed activities prior to the October presidential election; however, some of the politicians affected by the ban were threatened with disqualification from running for public office through other constitutional provisions, such as conviction by the commissions of inquiries, the rulings of which cannot be appealed to any court within the country.

On August 22, the Government expelled a foreign diplomat following his attendance at a press conference of a coalition of opposition parties.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

The Government does not require religious groups to register. Religiously based NGO's are subject to the same registration and licensing requirements as other NGO's (see Section 2.b.). The Government permits and does not limit religious instruction in schools. Bible and Koranic studies are provided in both public and private schools throughout the country without Government restriction or interference. Religious instruction in public schools is provided at government expense, but is not mandatory.

On July 6, the NIA arrested Imam Baba Leigh of the Kanifing mosque for allegedly criticizing the Government; Imam Leigh preached against corruption and waste of public funds in unnecessary ceremonies during prayers. Imam Leigh was released after several hours without charges on bail of \$6,000 (100,000 dalasi), and was asked to report to the NIA the next day. No subsequent action was taken. Imam Leigh reported that NIA officers informed him that his arrest was connected to a June 5 BBC Focus on Africa program, on which he criticized the Government for spending \$179,000 (3 million dalasi) on the June National Youth Conference (see Section 5). In reaction to Leigh's concerns, President Jammeh stated that the money spent was his own and not that of the public. Leigh continued to lead prayers at the mosque, and said he was not threatened by the arrest and planned to continue giving sermons and interpreting the Islamic perspective in society.

The Government's dispute with the imam of Brikama mosque ended amicably. In 1998 the imam of the largest mosque in Brikama was arrested together with a leading opposition party politician and eight others in a dispute over minor construction work at a mosque that reportedly was financed by supporters of the ruling party. In 1999 the High Court acquitted all of the defendants of destruction of property and discharged the case. However, the Government filed an appeal in the High Court for the imam and three others to be retried.

The imam's lawyer filed a writ of summons in the High Court, which ruled that it had no jurisdiction over the matter and referred the case to a district tribunal. Subsequently the case was filed at the Court of Appeal, but the case was adjourned until April. In April the Government dropped its appeal of the High Court's decision to let the imam resume leading prayers, and the imam was reinstated fully at that time.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement but allows for "reasonable restrictions," which the Government at times enforced. On occasion security forces shot and killed persons at checkpoints (see Section 1.a.). Armed soldiers at times harassed and detained citizens and foreigners at gunpoint, particularly at the Denton Bridge checkpoint outside of Banjul.

The authorities prohibited those under investigation for corruption or security matters from leaving the country. A few politicians associated with the opposition UDP also were denied passports, although they were not facing corruption or security charges. The leader of the opposition UDP and other opposition figures have traveled outside the country without incident.

There were reports that, on occasion, immigration authorities and security forces harassed immigrants and others; however, unlike in the previous year, there were no reports that immigrants were detained.

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. Although there was no available estimate of the numbers involved, the Government provides first asylum and during the year provided first asylum to persons from Senegal and Guinea-Bissau. The Government works with the UNHCR and local NGO's in processing refugee claims. The country hosts approximately 8,000 refugees from Sierra Leone, Senegal, Guinea-Bissau, Liberia, and other countries. The Government continued to host approximately 3,500 Senegalese refugees from the troubled Casamance region.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In the October presidential election, which most observers considered to be relatively free and fair despite some shortcomings, citizens exercised their right to change their government; the President was reelected. The Constitution provides for the democratic election of the President every 5 years. National Assembly elections are held 3 months after the presidential elections and were scheduled for January 2002. The October 18 presidential election day passed smoothly and without incident, despite predictions to the contrary and associated violence in the weeks before and after the polling (see Sections 1.a., 1.c., 1.d., and 2.a.).

The October presidential election represented a significant improvement. The repeal of Decree 89 allowed some previously banned political parties to participate, opposition candidates had fair and frequent access to state-owned radio and television during the campaign itself, voter participation was high, and polling took place in an orderly manner (see Sections 2.a. and 2.b.). International observers described the presidential electoral process as generally free and fair, despite some shortcomings. Five opposition parties competed in the election and won approximately 47 percent of the votes cast; President Jammeh won approximately 53 percent of the vote. Opposition political parties initially conceded defeat but later accused the ruling party of inducing voters with money and other materials to gain their support, which is unconstitutional. They also accused the Government of issuing threats, both explicit and veiled, against individuals and communities that did not support the incumbent. They accused the IEC of registering foreigners and issuing them voter cards, thereby permitting them to vote in the elections. Observers agreed there probably were some irregularities in the registration process, but on a much smaller scale than the UDP/PPP/GPP coalition alleged. It remains unclear to what degree alleged foreign voters contributed to President Jammeh's 53 percent majority. The post-election period was marred when Jammeh fired more than 20 village heads and civil servants, several of whom were APRC members, who had not expressed public support for him during the campaign or who had been accused of corruption or incompetence; security forces also arrested and detained many opposition supporters throughout the country (see Section 1.d.). A few of the fired civil servants were re-instated; however, most were replaced by loyal supporters of President Jammeh (see Section 4).

In 1997 the Constitution of the Second Republic was promulgated, and citizens chose a new National Assembly in elections whose results were accepted by the opposition. President Jammeh's party, the APRC won 33 of 45 assembly seats filled by election; 4 members are appointed by the President. Procedural

methods are used to restrict debate within the National Assembly.

In April parliamentary by-elections were held that were considered generally free, fair, and transparent; however, there were some reports of intimidation and vote-buying. The voting and vote counting process were well-organized, and no irregularities were reported on voting day.

National Assembly elections were scheduled to be held in January 2002, and local elections originally scheduled for 1998 were postponed and later rescheduled for April 2002. By year's end, the major opposition coalition had decided to boycott the National Assembly elections and accused the IEC of allowing fraudulent voter registrations and mismanaging both the presidential and national elections. This boycott was criticized widely, including within the opposition coalition, as unjustified and as an inappropriate response to the alleged fraud. Once the nominations were completed, the NRP and PDOIS were the only opposition parties sponsoring candidates, and only 15 constituencies were contested.

In early June, the National Assembly passed several amendments that reduced the power of the Independent Electoral Commission (IEC) to control many fundamental election matters. The National Assembly gained the power to set the registration requirements for political parties and change constituency boundaries; local chieftaincies became presidential appointments instead of elected positions; voter registration requirements were relaxed; and the IEC lost the right to question voters about their citizenship during the registration process.

In July Decree 89, which banned three former political parties and all persons who held the offices of president, vice president, and ministers of the First Republic from participating in politics until 2024, was repealed (see Section 2.b.).

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal obstacles to the participation of women in government. Only 1 of the elected 45 members of the National Assembly is a woman. The Vice President (who is also Minister of Women's Affairs) and the Secretary General of the Presidency are women, and there are two female ministers in the Cabinet.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several organizations whose mandates provide for human rights monitoring, and there are three major organizations whose primary mandate is the promotion of human rights: The International Society for Human Rights (ISHRA), the African Center for Democracy and Human Rights Studies (ACDHRS), and the Institute for Human Rights and Development (IHRD). Both the ISHRA and the ACDHRS have conducted training in democratic rights and civic education. The IHRD principally focuses on the operations of the African Commission on Human and Peoples' Rights, an organ of the African Union based in Banjul. Other human rights groups included the African Society of International and Comparative Law with two full-time staff members and the Foundation for Research on Women's Health, Productivity, and the Environment, which addresses issues pertaining to woman's health and productivity and has two full-time staff working on FGM (see Section 5).

In October the authorities arrested and detained for 10 days Muhammed Lamin Sillah, the coordinator of the Coalition of Human Rights Defenders and Secretary General of the domestic chapter of Amnesty International (see Sections 1.d. and 2.a.).

In 1999 President Jammeh appointed the first government ombudsman as required in the Constitution, and the National Assembly approved the appointment. In 2000 the office of the ombudsman began operations and was charged with investigating allegations of maladministration, mismanagement, or discrimination; however, it did not take action on any high-profile cases by year's end. It investigated the cases of several of the civil servants dismissed following the presidential election, some of whom ultimately were reinstated.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status and the Government generally respected these prohibitions.

#### Women

Domestic violence, including abuse, is a problem. It is reported occasionally, and its occurrence is believed to be common. Police tend to consider these incidents to be domestic issues outside of their ordinary jurisdiction. Rape and assault are crimes under the law; rape is not common. The law does not differentiate between married and unmarried women in this regard.

The practice of FGM, which is condemned widely by international health experts as damaging to both physical and psychological health, is widespread and entrenched. Reports placed the number of women who have undergone FGM at between 60 and 90 percent. Approximately seven of the nine major ethnic groups practice FGM at ages varying from shortly after birth until 16 years old. FGM is less frequent among the educated and urban segments of those groups that practice FGM. There were unconfirmed reports of incidences of health-related complications, including deaths, relating to the practice of FGM; however, no accurate statistics were available. In recent years, the Government publicly has supported efforts to eradicate FGM and discouraged FGM through health education; however, the Government has not passed legislation against FGM, which is not considered a criminal act. In 1999 President Jammeh publicly stated that the Government would not ban FGM, and that FGM is a part of the country's culture.

Prostitution is illegal but is a growing problem.

Sexual harassment is not believed to be widespread, although individual instances have been noted.

Traditional views of women's roles result in extensive societal discrimination in education and employment. Employment in the formal sector is open to women at the same salary rates as men. No statutory discrimination exists in other kinds of employment; however, women generally are employed in endeavors such as food vending or subsistence farming.

Shari'a law usually is applied in divorce and inheritance matters for Muslims, who make up approximately 90 percent of the population. Women normally receive a lower proportion of assets distributed through inheritance than do male relatives.

Marriages often are arranged and, depending on the ethnic group, polygyny is practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.

Active women's rights groups exist; they focus primarily on economic issues and the elimination of FGM (see Section 4).

#### Children

The Government is committed to children's welfare. The Department of Education and the Department of Health, Social Welfare, and Women's Affairs are the two most generously funded departments; however, lack of resources limited state provision of both education and health services.

The Constitution mandates free compulsory primary education up to 8 years of age, but the state of the educational infrastructure prevents effective compulsory education. In 1998 the President announced an end to fees for the first 6 years of schooling, and the Government has implemented the decision. Opportunities for secondary education are more limited. The participation of girls in education is very low. Girls constitute approximately 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls is low particularly in rural areas where a combination of poverty and sociocultural factors influence parents' decisions not to send girls to school.

The care and welfare of children in distress is considered primarily a family responsibility. In cases of divorce, the Department of Social Welfare attempted to require periodic financial support by fathers; however, there was no criminal prosecution when fathers failed to provide financial support.

Authorities generally intervened when cases of child abuse or mistreatment were brought to their attention; however, there was no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age). Incest also is illegal. These laws generally were enforced. Serious cases of abuse and violence against children were subjected to criminal penalties.

FGM is performed primarily on young girls (see Section 5, Women).

The tourist industry has stimulated a low level of child prostitution, which was prosecuted vigorously. Child labor is a problem (see Section 6.d.).

In June the Government held a National Youth Conference to bring together youths for workshops and sports, and to increase their awareness of their rights and the policies and laws that apply to them. Several persons were arrested after they criticized the conference (see Sections 2.a. and 2.c.).

#### Persons with Disabilities

There are no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities exists in employment, education, or other state services. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered no discrimination in employment for which they physically were capable.

### Section 6 Worker Rights

#### a. The Right of Association

The Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and provides for their registration with the Government. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Approximately 20 percent of the work force is employed in the modern wage sector, where unions are most active. Approximately 30,000 workers are union members, constituting an estimated 10 percent of the work force.

The Gambian Worker's Confederation (GWC) and the Gambian Workers' Union (GWU) are the two main independent and competing umbrella organizations. The Government recognizes both organizations.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. Because of these provisions and the weakness of unions, few strikes occur. There were no strikes during the year.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The GWU is a member of the International Confederation of Free Trade Unions.

#### b. The Right to Organize and Bargain Collectively

The Labor Act allows workers to organize and bargain collectively. Although trade unions are small and fragmented, collective bargaining takes place. Each recognized union has guidelines for its activities determined by the Joint Industrial Council Agreement (JIC), an arrangement among all of the active trade unions and their employers, which was drafted and signed by the unions. Unions are able to negotiate without government interference; however, in practice the unions lack experience, organization, and professionalism, and often turn to the Government for assistance in negotiations. Union members' wages exceeded legal minimums and were determined by collective bargaining, arbitration, or agreements reached between unions and management and considered to be legal after insuring that the agreements are in compliance with the JIC (see Section 6.e.). No denial of registration was reported. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities; and the Government has stepped in to assist workers who have been fired or discriminated against by employers.

The Government established an export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. Several companies, including peanut oil exporters, began operation in the EPZ in August 2000. The Labor Code covers workers in the EPZ's, and they are afforded the same rights as workers elsewhere in the economy.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law does not prohibit specifically forced and bonded labor by children; however, it is not known to occur (see Section 6.d.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings, most children complete formal education by the age of 14 and then begin work. Employee labor cards, which include a person's age, are registered with the Labor Commissioner, but enforcement inspections rarely take place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. There were a few instances of child street begging. The tourist industry has stimulated a low level of child prostitution (see Section 5).

In November 2000, the National Assembly approved ILO Convention 182 on the worst forms of child labor; and on July 3, the Government ratified the Convention. The Department of State for Labor was responsible for implementing the terms of the convention.

The law does not prohibit specifically forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

#### e. Acceptable Conditions of Work

Minimum wages and working hours are established by law through six joint industrial councils: Commerce; Artisans; Transport; Port Operations; Agriculture; and Fisheries. Labor, management, and the Government are represented on these councils. The lowest minimum wage is approximately \$0.66 (12 dalasi) per day for unskilled labor. This minimum wage is not sufficient to provide a decent standard of living for a worker and family. The minimum wage law covers only 20 percent of the labor force, essentially those workers in the formal economic sector. The majority of workers are employed privately or are self-employed, often in agriculture. Most citizens do not live on a single worker's earnings, but they share resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed 6 consecutive days. A 30-minute lunch break is mandated. Nationwide the workweek includes 4 8-hour workdays and 2 4-hour workdays (Friday and Saturday). Government employees are entitled to 1 month of paid annual leave after 1 year of service. Private sector employees receive between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Ministry of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and the Ministry is authorized to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice workers who do so risk loss of employment.

During the year, at Sankung-Sillah soap factory a pipe carrying hot chemicals burst and killed and injured employees. After family members were denied compensation by the company, the Government intervened and ordered the company to provide proper compensation to the victims and their family members, an on-site first aid unit with trained personnel, and new protective gear for employees.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a current valid work permit. Foreign workers may join local unions.

#### f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.